

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael Frasier,)	Case No. 4:21-cv-00031-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dr. J. Alden,)	
)	
Defendants.)	
_____)	

This matter is before the Court Defendant's motion for summary judgment. ECF No. 89. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation ("Report"). On July 18, 2023, the Magistrate Judge issued a Report recommending that the motion be granted. ECF No. 115. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections and the time to do so has lapsed.¹

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the

¹ The Report was initially mailed on July 18, 2023. ECF No. 117. It was remailed on August 2, 2023. ECF No. 118. Neither Report has been returned.

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

Therefore, upon review of the record, applicable law, and Report for clear error, the Court agrees with the recommendation of the Magistrate Judge. The motion for summary judgment [89] is **GRANTED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

September 28, 2023
Spartanburg, South Carolina